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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/714,292

11/13/2003

James D. Osterloh

14542

2131

7590

03/03/2006

SHELDON & MAK
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225 South Lake Avenue
Pasadena, CA 91101

EXAMINER

ZACHARIA, RAMSEY E

ART UNIT

PAPER NUMBER

1773

DATE MAILED: 03/03/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<p align="center">Advisory Action Before the Filing of an Appeal Brief</p>	Application No. 10/714,292	Applicant(s) OSTERLOH, JAMES D.	
	Examiner Ramsey Zacharia	Art Unit 1773	

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 22 February 2006 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☐ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☐ The period for reply expires _____ months from the mailing date of the final rejection.
 b) ☒ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
 (a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);
 (b) ☐ They raise the issue of new matter (see NOTE below);
 (c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
 (d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
 5. ☐ Applicant's reply has overcome the following rejection(s): _____.
 6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
 7. ☐ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
 The status of the claim(s) is (or will be) as follows:
 Claim(s) allowed: _____.
 Claim(s) objected to: _____.
 Claim(s) rejected: _____.
 Claim(s) withdrawn from consideration: _____.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
 9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing of a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
 10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because: see attached.
 12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08 or PTO-1449) Paper No(s). _____.
 13. ☐ Other: _____.

RESPONSE TO ARGUMENTS

New Matter Objection/Rejection

1. The Material Safety Data Sheets submitted 22 February 2006 are insufficient to overcome these objections/rejections. From the Sheets, it appears that ACLAR[®] Copolymer refers to a copolymer of the formula $[-CF_2-CFCl-]_n[-CF_2-CH_2-]_m$, while ACLAR[®] Homopolymer refers to a polymer of the formula $[-CFCF_2-]_n$. There is no support in the disclosure as originally filed for ACLAR[®] Copolymer. The table on page 6 refers to ACLAR[®] having the structure $[-CFCF_2-]_n$, i.e. ACLAR[®] Homopolymer.

Rejection under 35 U.S.C. 102

2. As outlined in both the first action mailed 04 April 2005 and the final rejection mailed 20 December 2005, Araki et al. teach a transparent composite that comprises a fluorine containing primer layer applied to a substrate and a top layer over the primer of a fluorine-containing polymer having no functional groups. A primer is an adhesive. Because the composite is transparent, the materials used to make the composite must also be transparent.

Furthermore, the disclosure in Araki et al. that non-fluorine containing adhesives do not have enough adhesive property and heat, chemical, and water resistance is not a teaching away from the claimed invention since Araki et al. is directed to the use of a fluorine containing primer as a substitute to remedy the problems identified with non-fluorine containing adhesives. See column 3, lines 49-60.

Rejection over Araki et al. in view of Friedman et al.

3. Because Friedman et al. show that fluoropolymers such as FEP, PFA, ETFE, ECTFE, PCTFE, PVdF, and VdF copolymer are known in the art as functionally equivalent fluoropolymer materials for safety glazings, it would be obvious to one of ordinary skill in the art to substitute ECTFE or PCTFE for the PFA, FEP, ETFE, PVdF or VdF taught by Araki et al. See MPEP 2144.06.

Rejection over Delnay et al. in view of Araki et al.

4. The position taken in the action mailed 20 December 2005 is not that the fluorocarbon sheet of Araki et al. is adhered to the window of Delnay et al. Rather, it is that one skilled in the art would be motivated to use the composite of Araki et al. as the window in the glovebox of Delnay et al. The transparent scattering-preventing composite of Araki et al. is safety glass (e.g. column 4, lines 50-55). It would be obvious to use the composite of Araki et al. as the window of Delnay because in addition to being safety glass, the composite has excellent heat and chemical resistance. Thus the use of this composite would improve the overall heat and chemical resistance of the glovebox.


Conclusion

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ramsey Zacharia whose telephone number is (571) 272-1518. The examiner can normally be reached on Monday through Friday from 9 to 5.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Carol Chaney, can be reached at (571) 272-1284. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Ramsey Zacharia
Primary Examiner
Tech Center 1700